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AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114				
EXAMINER MCCARTNEY, LINZY T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/934,717

Applicant(s)

WONG ET AL.

Examiner

Linzy McCartney

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

Art Unit: 2671

### DETAILED ACTION

1. Applicant is advised that should claim 21 be found allowable, claim 35 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 recites the limitation "...the portal..." There is insufficient antecedent basis for this limitation in the claim.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 2, 11-16, 21, 31, 33, 34, 36, 37, 42-44, 47, and 48 is rejected under 35

U.S.C. 102(a) as being clearly anticipated by Otten, "Broadcasting Virtual Games in the Internet" (Otten).

a. Referring to claim 1, Otten discloses a spectator engine that aggregates selected game data with other data to provide spectator data, the game data varying as a function

of at least one of contributions and interactions of at least one participant or an occurrence of the game or event (Fig. 2; page 6, paragraph 3); and a distribution system operative to provide a signal based on the spectator data that is transformable into a representation of the spectator experience (Fig. 2; page 7, paragraph 2).

b. Referring to claim 2, Otten discloses wherein the spectator engine further comprises viewing controls programmed to implement cinematographic features relative to spectator data (page 10, paragraph 3).

c. Referring to claim 11, Otten discloses a communications infrastructure that receives the signal from the distribution system, the communications infrastructure being operative to communicate encoded spectator information based on the signal, such that a recipient thereof can decode the spectator information and generate the representation of the spectator experience (Fig. 2; page 7, paragraphs 2 and 3).

d. Referring to claim 12, Otten discloses the communications infrastructure employing at least one of a wired and wireless communications protocol (Fig. 2; Abstract).

e. Referring to claim 13, Otten discloses portions of the instance of the game or event and the spectator engine being implemented at different computers (Fig. 2).

f. Referring to claim 14, Otten discloses the occurrence of a game or event comprising an occurrence of a computer-mediated game or event (Abstract).

g. Referring to claim 15, Otten discloses means for receiving game data corresponding to an occurrence of the game or event (Fig. 2; page 6, paragraph 3); means for receiving spectator information indicative of use of the spectator experience (Figs. 2

Art Unit: 2671

and 4; page 10; paragraph 1); means, responsive to the game data, for aggregating the game data with the spectator information to provide spectator data, the spectator data transformable into a representation of the spectator experience for the occurrence of the game or event (Figs. 2 and 4; page 10, paragraphs 1-3).

h. Referring to claim 16, Otten discloses means for dynamically selecting which of the game data and the spectator information is to be combined into the spectator data (page 6, paragraph 3).

i. Referring to claim 21, Otten discloses the game data corresponds to the occurrence of a computer-mediated game or event (Abstract).

j. Referring to claim 31, Otten discloses a game server operative to communicate game data with at least one game client and provide a multiplayer experience for participants of an associated game (Fig. 2); a spectator server operative to receive the game data and provide spectator data for receipt by at least one spectator, the spectator data being derived from the game data and other data associated with at least one of the participants and the at least one user, the spectator data being transformable into a representation of the spectator experience by the at least one user (Figs. 1 and 2; page 6, paragraph 3).

k. Referring to claim 33, Otten discloses the spectator server receiving feedback data based on the at least one spectator that receives the spectator data, the spectator data being updated according to the feedback (Fig. 4; page 10, paragraph 3).

- l. Referring to claim 34, Otten discloses the spectator server implementing viewing controls to enhance a graphical and functional features of the occurrence of the game being described by the spectator data (Fig. 4; page 10, paragraph 1).
- m. Claim 35 is rejected with the rationale of the rejection of claim 21.
- n. Referring to claim 36, Otten discloses receiving game information corresponding to an occurrence of the game or event having at least one participant thereof and aggregating the game information and other spectator-related information to provide aggregated spectator data that is transformable into a representation of the spectator experience associated with the occurrence of the game or event (Fig. 2; Figs. 2 and 4; page 10, paragraphs 1-3). Otten also discloses selecting portions of the game information for incorporation into the spectator experience associated with the occurrence of the game or event (page 6, paragraph 3).
- o. Referring to claim 37, Otten discloses receiving at least part of the other spectator-related information based on spectators of the spectator experience that are associated with the occurrence of the game or event (page 11, paragraph 3).
- p. Referring to claim 42, Otten discloses implementing a virtual camera system associated with a plurality of different viewpoints and choosing a viewpoint for the spectator experience associated with the occurrence of the game or event based on the game information (page 10, paragraph 1).
- q. Referring to claim 43, Otten discloses the viewpoint further being chosen based on at least one of a preprogrammed camera control algorithm and a manual selection (page 10, paragraph 1).

Art Unit: 2671

r. Referring to claim 44, Otten discloses the occurrence of a game or event corresponding to an occurrence of a computer-mediated game or event (Abstract).

s. Referring to claim 47, Otten discloses receiving occurrence data indicative of an occurrence of a game or event running at a computer, the data varying as a function of time based on interactions of at least one participant of the occurrence of the game or event being implemented at the computer (Fig. 2; Abstract; page 6, paragraph 3); implementing viewing controls relative to the received data to provide enhanced data describing the occurrence of the game or event (page 10, paragraph 1); providing spectator data based on the enhanced data, the spectator data being transformable into a representation of the spectator experience of the occurrence of the game or event (Figs 1 and 2; page 10, paragraph 1).

t. Referring to claim 48, Otten discloses receiving feedback data based on spectators that generate the representation of the spectator experience, the spectator data being provided based on the enhanced data and the feedback data, such that the representation of the spectator experience includes an indication of a spectator audience according to the feedback data (page 4, paragraph 3; page 6, paragraph 3; page 10, paragraph 3).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2671

4. Claims 3, 4, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten as applied to claims 2 and 15 above further in view of U.S. Patent No. 6,325,717 to Kawagoe et al. (Kawagoe).

a. Referring to claim 3, Otten does not explicitly disclose a plurality of virtual cameras, each of the virtual cameras being operative to selectively animate associated portions of the spectator data, the virtual camera being selected based on the viewing controls. Kawagoe discloses a plurality of virtual cameras, each of the virtual cameras being operative to selectively animate associated portions of the spectator data (column 2, lines 1-3; Fig. 11), the virtual camera being selected based on the viewing controls (column 2, lines 5-7). At the time the invention was made, it would have been obvious to one having ordinary skill in the art to modify the system of Otten by including a plurality of virtual cameras, the virtual camera being selected based on the viewing controls as taught by Kawagoe. The suggestion/motivation for doing so would have been because it would provide a simple program that can process complicated camera movements (Kawagoe, column 3, lines 16-18).

b. Referring to claim 4, Otten does not explicitly disclose the viewing controls being programmed to select virtual cameras according to a camera selection algorithm. Kawagoe discloses viewing controls being programmed to select virtual cameras according to a camera selection algorithm (column 2, lines 5-7).

c. Referring to claim 17, Otten does not explicitly disclose virtual camera means for dynamically selecting a spectator viewpoint according to a predefined camera selection algorithm, the spectator data being provided based on the selected viewpoint. Kawagoe



Art Unit: 2671

discloses virtual camera means for dynamically selecting a spectator viewpoint according to a predefined camera selection algorithm, the spectator data being provided based on the selected viewpoint (column 2, lines 5-7).

d. Referring to claim 18, Otten discloses the virtual camera means selecting the operator viewpoint based on the received spectator information (page 4, paragraph 3; page 10; paragraphs 1-3).

5. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten in view of Kawagoe as applied to claims 3 and 17 above further in view of U.S. Patent No. 5,850,352 to Moezzi (et al.) Moezzi.

a. Referring to claim 5, Otten does not explicitly disclose the selection of the virtual cameras being user selectable. Moezzi discloses the selection of the virtual cameras being user selectable (column 4, lines 1-6). At the time the invention was made, it would have been obvious to one having ordinary skill in the art to modify the system of Otten by allowing the selection of the virtual cameras to be user selectable as taught by Moezzi. The suggestion/motivation for doing so would have been because it would allow the user to view the scene from the desired perspective (column 9, lines 54-55).

b. Referring to claim 19, Otten does not explicitly disclose selecting the viewpoint based on manual instructions provided to the virtual camera means. Moezzi discloses manual instructions provided to the virtual camera means (column 4, lines 1-6).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otten as applied to claim 1 further in view of Ham, "Half-Life: Spectator Tech" (Ham).

Art Unit: 2671

- a. Referring to claim 6, Otten does not explicitly disclose an indication of a number of users associated with the spectator experience for the game or event. Ham discloses an indication of a number of users associated with the spectator experience for the game or event (page 2, paragraph 1). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the system of Otten by including an indication of a number of users associated with the spectator experience for the game or event as taught by Ham. The suggestion/motivation for doing so would have been because it would allow players to see what they are doing wrong and improve (Ham, page 2, paragraph 1).
7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten in view of Ham as applied to claim 6 above in view of U.S. Patent No. 5,926,179 to Matsuda et al (Matsuda).
- a. Referring to claim 7, Otten does not explicitly disclose providing the spectator experience with at least one of an audio and visual representation indicative of the number of spectator experience for the game or event. Matsuda discloses providing at least one of an audio and visual representation indicative of the number of spectators associated with the game or event (Fig. 39, bottom left of figure). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the system of Otten by providing at least one of an audio and visual representation indicative of the number of spectators associated with the game or event as taught by Matsuda. The suggestion/motivation for doing so would have been because it would indicate to the user the number of individuals involved in the interaction.

Art Unit: 2671

b. Referring to claim 8, Otten does not explicitly disclose providing the spectator experience with at least one of an audio and visual representation of previously associated users of the spectator experience for the game or event. Matsuda discloses providing with at least one of an audio and visual representation of previously associated users for the game or event (Fig. 39).

8. Claims 9, 10, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten as applied to claims 1 and 31 in view of U.S. Patent No. 6,352, 479 to Sparks II et al. (Sparks).

a. Referring to claim 9, Otten does not explicitly disclose communicating at least part of the spectator data to a portal programmed to post information based on the spectator data for substantially global access. Sparks discloses communicating at least part of the spectator data to a portal programmed to post information based on the spectator data for substantially global access (column 3, lines 39 – column 4, line 3; Figs. 7, 8, and 10). At the time the invention was made, it would have been obvious to one having ordinary skill in the art to modify the system of Otten by communicating at least part of the spectator data to a portal programmed to post information as taught by Sparks. The suggestion/motivation for doing so would have been because it would allow users to view game statistics.

b. Referring to claim 10, Otten does not explicitly disclose receiving spectator data from a plurality of spectator engines associated with other games or events and post information for each game or event. Sparks discloses receiving spectator data from a

plurality of spectator engines associated with other games or events and post information for each game or event (Fig. 7; column 4, lines 51-59).

c. Referring to claim 32, Otten does not explicitly disclose a portal that receives at least one of the game data and the spectator data, the portal being programmed to post information for substantially global access based on the at least one of the game data and the spectator data. Sparks discloses a portal that receives at least one of the game data and the spectator data, the portal being programmed to post information for substantially global access based on the at least one of the game data and the spectator data (column 3, lines 39 – column 4, line 3; Figs. 7, 8, and 10). At the time the invention was made, it would have been obvious to one having ordinary skill in the art to modify the system of Otten by including a portal being programmed to post information for substantially global access as taught by Sparks. The suggestion/motivation for doing so would have been because it would allow users to view game statistics.

9. Claims 20 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten as applied to claims 15, 36, and 37 above further in view of Matsuda.

a. Referring to claim 20, Otten does not explicitly disclose the spectator data includes an indication of the spectators, such that the representation of the spectator experience for the occurrence of the game or event includes a representation of a spectator audience. Matsuda discloses including a representation of the audience (Fig. 39, bottom left of figure). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the system of Otten by including a

representation of the audience as taught by Matsuda. The suggestion/motivation for doing so would have been because it would indicate to the user the number of people involved in the interaction.

b. Referring to claim 38, Otten does not explicitly disclose including an indication of a number of spectators using the spectator experience associated with the occurrence of the game or event. Matsuda discloses including an indication of a number of spectators using the spectator experience associated with the occurrence of the game or event (Fig. 39, bottom left of figure).

c. Claim 39 is rejected with the rationale of the rejection of claim 38.

d. Referring to claim 40, Otten does not explicitly disclose providing an indication of the number of spectators in the aggregated spectator data so that users of spectator experience associated with the occurrence of the game or event can perceive a presence of a spectator audience based on the indication of the number of spectators. Matsuda discloses providing an indication of the number of spectators can perceive a presence of a spectator audience based on the indication of the number of spectators ((Fig. 39, bottom left of figure). At the time the invention was made it would have been obvious to include the number of spectators in the aggregated spectator data because it would allow the data to be distributed to all the clients.

e. Referring to claim 41, Otten does not explicitly disclose identifying identities of spectators to those spectators that have been associated with each other by identifying characteristics. Matsuda discloses identifying identities of spectators to those spectators that have been associated with each other by identifying characteristics (Fig. 39).

Art Unit: 2671

10. Claims 22-24, 27-30, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks in view of GibStats.

a. Referring to claim 22, Sparks discloses a collection system operative to aggregate gaming data based on an occurrence of the at least one game or event (column 3, lines 39-66); a graphical user interface which provides information about the occurrence (Fig. 7; column 4, lines 52-59); and a user interface element implemented within the graphical user interface and operatively associated with the at least one occurrence, the user interface element operative to direct a user of the portal to the location in response to activation of the user interface element (column 6, lines 35-48). Sparks does not explicitly disclose a user interface element identifying a location of a spectator experience. Gibstats discloses a user interface element identifying a location of a spectator experience (pages 8 and 9). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the portal of Sparks by including disclose a user interface element identifying a location of a spectator experience as taught by Gibstats. The suggestion/motivation for doing so would be so a user could associate game play statistics with the map or level in which the statistics were generated.

b. Claim 23 is rejected with the rationale of the rejection of claim 22.

c. Referring to claim 24, Sparks discloses the graphical user interface providing information about each of the occurrences based on participation and spectator activity relating to each of the respective occurrences (Figs. 7 and 10; column 3, lines 39-65; column 7, lines 52-59).

- c. Referring to claim 27, Sparks discloses each of the occurrences comprising an indication of a number of participants of the each of the occurrences (Fig. 7; column 4, lines 52-59).
- d. Referring to claim 28, Sparks discloses the information about each of the occurrences comprising an indication of an identity for at least some of the participants of each respective occurrence (Fig. 10; column 3, lines 39-65).
- d. Referring to claim 29, Sparks does not explicitly disclose information about each of the occurrences further comprising at least one of graphical and audio data derived based on at least part of the respective occurrences. Gibstats discloses information about each of the occurrences further comprising at least one of graphical and audio data derived based on at least part of the respective occurrences (page 3, paragraph 1).
- e. Referring to claim 30, Sparks does not explicitly disclose wherein the gaming data corresponds to the occurrence of a computer-mediated game or event. Gibstats discloses wherein the gaming data corresponds to the occurrence of a computer-mediated game or event (page 1, paragraph 1).
- f. Referring to claim 45, Sparks discloses means for aggregating game data associated with an occurrence of the at least one game or event (column 3, lines 39-66); means for displaying information about the occurrence (Fig. 7; column 4, lines 52-59); means for directing a user of the portal to the location of the spectator experience associated with the occurrence in response to the user selecting the means associated with the displayed information (column 6, lines 35-48). Sparks does not explicitly disclose means associated with the displayed information for identifying a location of the

Art Unit: 2671

spectator experience associated with the occurrence. Gibstats discloses means associated with the displayed information for identifying a location of the spectator experience associated with the occurrence (pages 8 and 9).

g. Claim 46 is rejected with the rationale of the rejection of claim 22.

11. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks in view of Gibstats as applied to claim 24 above in view of Matsuda.

a. Referring to claim 25, Sparks does not explicitly disclose the information about each of the occurrences including an indication of a number of spectators. Matsuda discloses the information about each of the occurrences including an indication of a number of spectators (Fig. 39). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the portal of Sparks by including an indication of a number of spectators as taught by Matsuda. The suggestion/motivation for doing so would have been because it would indicate to the user the number of people involved in the interaction.

b. Referring to claim 26, Sparks does not explicitly disclose information about each of the occurrences comprising identifying characteristics operative to identify at least one spectator to other spectators that have been previously associated with each other by the identifying characteristics. Matsuda discloses information comprising identifying characteristics operative to identify at least one spectator to other spectators that have been previously associated with each other by the identifying characteristics (Fig. 39).



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Linzy McCartney** whose telephone number is **(703) 605-0745**. The examiner can normally be reached on Mon-Friday (8:00AM-5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at **(703) 305-9798**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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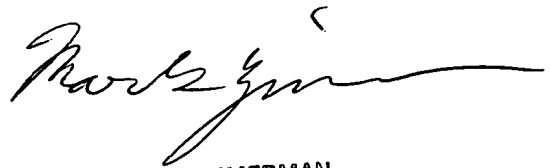
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

ltm  
January 6, 2004

  
MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600